

Remarks

This Amendment is in response to a Final Office Action dated **June 16, 2010** and Panel Decision from Pre-Appeal Brief Review dated **February 9, 2011**.

The Final Office Action rejected claims 1, 92-94, and 98-101 under 35 USC § 102(e) over Richter (US 6,315,794); rejected claims 1, 91, 95, 100, 101, 108-110, 114, 119, and 120 under 35 USC § 102(b) over Venbrux (US 5,443,497); rejected claims 1, 91, 92, 94, and 98-101 under 35 USC § 102(e) over Kranz (US 6,312,456); rejected claims 1, 91, 92, 94, 96-100, 108-111, 113, and 115-119 under 35 USC § 103(a) over Scott (US 5,383,928) in view of Myers (US 5,700,285); and rejected claims 1, 91-101, and 105-123 under 35 USC § 103(a) over Berg (US 5,464,650) in view of Scott, Nolting (US 6,488,701), and Jang (US Pub. No. 2004/0106985).

Independent claims 1, 108, and 109 are herein amended. Support for these claims can be found in the Specification at least on page 3, lines 19-26 and FIG. 12 of the Application as-filed.

Claims 99, 107, and 118 are cancelled without prejudice or disclaimer.

New claims 124-135 are herein added. Support for these claims can be found in the Specification at least on page 3, lines 19-26 and FIG. 12 of the Application as-filed. Applicants request consideration of these claims.

In light of the foregoing amendments and following comments, Applicants request reconsideration.

Claim Rejections – Sections 102 and 103

As noted above, the Final Office Action rejected claims 1, 92-94, and 98-101 under 35 USC § 102(e) over Richter (US 6,315,794); rejected claims 1, 91, 95, 100, 101, 108-110, 114, 119, and 120 under 35 USC § 102(b) over Venbrux (US 5,443,497); rejected claims 1, 91, 92, 94, and 98-101 under 35 USC § 102(e) over Kranz (US 6,312,456); rejected claims 1, 91, 92, 94, 96-100, 108-111, 113, and 115-119 under 35 USC § 103(a) over Scott (US 5,383,928) in view of Myers (US 5,700,285); and rejected claims 1, 91-101, and 105-123 under 35 USC § 103(a) over Berg (US 5,464,650) in view of Scott, Nolting (US 6,488,701), and Jang (US Pub. No. 2004/0106985).

Applicants incorporate by reference the arguments presented in the Communication After Final dated August 16, 2010, and the Pre-Appeal Brief dated October 18, 2010. With respect to the rejections over Richter and Kranz, as argued previously, the Office Action's assertion that the claimed term "drug" can be read to include the radiopaque materials disclosed in Richter and Kranz is erroneous.

In addition, and without acquiescing to the validity of the rejections, each of independent claims 1, 108, and 109 is amended. The amendment to claim 1 is illustrative and claim 1 now recites, in-part, "the stent having openings extending from the metal outer surface to the metal inner surface in each of the first end portion, second end portion, and middle portion, wherein the openings in the middle portion are smaller in size than the openings in at least one of the first end portion and second end portion"

None of Richter, Venbrux, Kranz, disclose what is claimed in independent claims 1, 108, and 109. Further, none of combinations of Scott, Myers, Berg, Nolting, and Jang, set forth in the Office Action, is believed to disclose, teach, suggest, or otherwise render obvious what is claimed. As such, Applicants request reconsideration.

Conclusion

Based on at least the foregoing remarks, Applicant requests allowance of claims 1, 91-98, 100, 101, 105-116, and 119-135. Favorable consideration and prompt allowance of these claims is earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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